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REMARKS

Following entry of the above amendment, claims 1-48 will be pending. Claim 1 has been amended for clarification. Claims 5 and 6 have been amended for clarification, without narrowing of the claims for reasons related to patentability. Claim 12 has been re-written in independent form, without change in scope. Claim 17 has been amended to add a feature clarifying its distinction over the prior art. Claims 23 and 28 have been re-written in independent form, with both claims broadened. Dependent claims 29-48 have been added.

Allowable Subject Matter

The indication that claims 12, 23, 24, and 28 constitute allowable subject matter is noted with appreciation. As noted above, claim 12 has been re-written in independent form, without change in scope, putting it into condition for allowance. Claims 23 and 28 have also been re-written in independent form, although broader in scope by omission of features not believed to be necessary for patentability. Claims 23, 24, and 28 are therefore also believed to be in condition for allowance.

Newly-added claims 29-48 each depend directly or indirectly upon one of claims 12, 23, or 28. Claims 29-48 are believed to be in condition for allowance as well.

Claims Not Rejected or Indicated as Allowable

Claims 13 and 14 are indicated in the Office Action Summary as rejected, but are not addressed in any of the rejections in the Detailed Action. Nor are claims 13 and 14 indicated as allowable in the Detailed Action. Clarification is requested as to the status of claims 13 and 14, and (if applicable) the grounds for rejection of the claims.

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Claim Objections

Claim 6 stands objected under 35 USC 1.75(c) as being of improper dependent form. In response, claim 6 has been amended to remove the basis for the rejection.

Prior Art RejectionsDransfield

Claims 1-7, 15-17, 21, 22, and 25 stand rejected under 35 USC 102(b) as anticipated by Dransfield et al., U.S. Patent No. 5,159,151 ("Dransfield"). Claims 18-20 stand rejected under 35 USC 103(a) as obvious over Dransfield. Withdrawal of the rejections is respectfully requested for at least the following reasons.

Dransfield discloses a missile having a forward fairing assembly 16 and domed window member 13. An explosive charge 25 is detonated in flight to drive the forward firing member 16 forward, causing it to disconnect from the missile, leaving the domed window member 13 exposed. Dransfield does not disclose at least two nosecones that are configured to separate during flight, and does not disclose an inner nosecone that includes hermetically sealed petals.

Claim 1 as amended recites a missile that includes at least two nosecones, wherein the nosecones are each configured to separate from the payload assembly during flight of the missile. Dransfield does not teach or suggest a missile that includes multiple nosecones that each separate during flight. Although Dransfield's forward fairing assembly 16 separates during flight, its domed window member 13 remains a part of the missile during impact. Since Dransfield does not teach or suggest all of the recited features of claim 1 as amended, claims 1-10, 15, and 16 are patentable over Dransfield.

Claim 17 as amended recites a method of operating a missile during flight that includes separating an outer nosecone following a first phase of flight, thereby exposing an inner nosecone, wherein the inner nosecone includes inner nosecone petals that

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remain hermetically sealed throughout at least a part of a second phase of the flight. Dransfield does not teach or suggest use of an inner nosecone with inner nosecone petals that are hermetically sealed. Therefore Dransfield does not teach or suggest all of the features of claim 17 as amended, and thus claims 17, 21, 22, and 25 are patentable over Dransfield.

Combination of Dransfield and Crockett

Claims 8-11, 26, and 27 stand rejected under 35 USC 103(a) as unpatentable over Dransfield in view of Crockett, U.S. Patent No. 3,601,055 ("Crockett"). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Crockett does make up for the above-discussed failure of Dransfield to teach or suggest the recited features of claims 1 and 17 as amended. Thus claims 8-11, 26, and 27 are patentable over Dransfield and Crockett, alone or in combination.

Conclusion

For at least the foregoing reasons, withdrawal of the rejections of the claims is respectfully requested, in which event this application would be in condition for allowance. Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

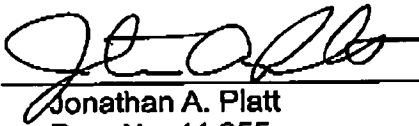
Authorization is given to charge **\$612.00** to Deposit Account No. 18-0988 (Charge No. RAYTP229USA) for the presentation of additional independent and dependent claims. In the event any additional fees are due in connection with the filing

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of this paper, the Commissioner is authorized to charge those fees to Deposit Account No. 18-0988 (Charge No. RAYTP229USA).

Respectfully submitted,
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